



3-15-06

ZFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/754,444	
	Filing Date	Januaray 9, 2004	
	First Named Inventor	Roger A. Stern	
	Art Unit	3739	
	Examiner Name	Alex B. Toy	
Total Number of Pages in This Submission		Attorney Docket Number	28791-704.201

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return receipt postcard and 7 cited references attached
<input checked="" type="checkbox"/> Information Disclosure Statement, PTO/SB/08 and 35 references cited	<input type="checkbox"/> CD, Number of CD(s)	
	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm Name	WILSON SONSINI GOODRICH & ROSATI		
Signature			
Printed Name	Steven G. Bacsi, Ph.D., J.D.		
Date	March 13, 2006	Reg. No.	50,736

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Attorney Docket No. 28791-704.201
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Roger A. Stern, et al.

Serial Number: 10/754,444

Filing Date: January 9, 2004

Title: DEVICES AND METHODS FOR
TREATMENT OF LUMINAL TISSUE

Group Art Unit: 3739

Examiner: Alex B. Toy

CONFIRMATION NO: 7988

FILED BY EXPRESS MAIL ON: March 13, 2006
EXPRESS MAIL LABEL NO.: EV 711 415 762 US

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached forms PTO/SB/08. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached forms PTO/SB/08 in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

A. ☐ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

☐ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);

-- OR --

☐ (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;

-- OR --

☐ (3) It is being filed before the mailing of a first Office action on the merits;

-- OR --

☐ (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

B. ☒ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

☐ a statement as specified in §1.97(e) provided concurrently herewith;

-- OR --

☒ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

C. ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

i. a statement as specified in §1.97(e);

-- AND --

ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

D. ☐ 37 CFR §1.97(e). Statement.

☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);

-- AND/OR --

☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);

-- AND/OR --

☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.

E. ☐ *Statement Under 37 C.F.R. §1.704(d)*. Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the requirements of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. ☒ *37 CFR §1.98(a)(2)*. The content of the Information Disclosure Statement is as follows:

☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

-- OR --

☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.

-- AND/OR --

☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

☒ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

G. ☐ *37 CFR §1.98(a)(3)*. The Information Disclosure Statement includes non-English patents and/or references.

☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

☐ Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

☐ A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: _____

☐ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H. ☐ 37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

☐ Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: _____

Information Disclosure Statement(s) filed on: _____

AND

☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

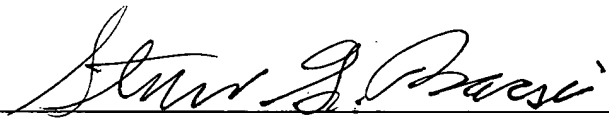
I. ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.28791-704.201).

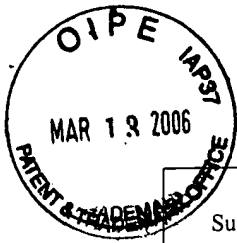
Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: March 13, 2006

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971

By: 
Steven G. Bacsi, Ph.D., J.D.
Registration No. 50,736



Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/754,444
				Filing Date	January 9, 2004
				First Named Inventor	Roger A. Stern
				Art Unit	3739
				Examiner Name	Alex B. Toy
Sheet	1	Of	2	Attorney Docket Number	28791-704.201

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US- 2003/0158550 A1	08-21-2003	Ganz, et al.	
	2.	US- 2004/0087936 A1	05-06-2004	Stern, et al.	
	3.	US- 2004/0215235 A1	10-28-2004	Jackson, et al.	
	4.	US- 2004/0215296 A1	10-28-2004	Ganz, et al.	
	5.	US- 4,676,258	06-30-1987	Kiyoshi Inokuchi, et al.	
	6.	US- 4,740,207	04-26-1988	Jeffry W. Kreamer	
	7.	US- 4,887,614	12-19-1989	Toshiharu Shirakami, et al.	
	8.	US- 4,930,521	06-05-1990	William T. Metzger, et al.	
	9.	US- 4,969,890	11-13-1990	Yoichi Sugita, et al.	
	10.	US- 4,998,539	03-12-1991	Gerard L. Delsanti	
	11.	US- 5,192,297	03-09-1993	Vincent W. Hull	
	12.	US- 5,275,169	01-04-1994	Martin A. Afromowitz, et al.	
	13.	US- 5,462,545	10-31-1995	Paul J. Wang, et al.	
	14.	US- 5,517,989	05-21-1996	Jeffry S. Frisbie, et al.	
	15.	US- 5,716,410	02-10-1998	Lixiao Wang, et al.	
	16.	US- 5,976,129	11-02-1999	Ashvin H. Desai	
	17.	US- 6,016,437	01-18-2000	Hosheng Tu, et al.	
	18.	US- 6,096,054	08-01-2000	Mark Wyzgala, et al.	
	19.	US- 6,162,237	12-19-2000	Winston Kam Yew Chan	
	20.	US- 6,258,118 B1	07-10-2001	Abraham Baum, et al.	
	21.	US- 6,325,798 B1	12-04-2001	Edwards, et al.	
	22.	US- 6,358,245 B1	03-19-2002	Edwards, et al.	
	23.	US- 6,409,723 B1	06-25-2002	Stuart D. Edwards	
	24.	US- 6,547,776 B1	04-15-2003	Gaiser, et al.	
	25.	US- 6,551,310 B1	04-22-2003	Ganz, et al.	
	26.	US- 6,562,034 B2	05-13-2003	Edwards, et al.	
	27.	US- 6,800,083 B2	10-05-2004	Thomas J. Hiblar	
	28.	US- 6,964,661 B2	11-15-2005	Robert F. Rioux, et al.	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/754,444
				Filing Date	January 9, 2004
				First Named Inventor	Roger A. Stern
				Art Unit	3739
				Examiner Name	Alex B. Toy
Sheet	2	Of	2	Attorney Docket Number	28791-704.201

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² - Number ³ - Kind Code ⁴ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	29.	EP 0 105 677 A1	04-18-1984	Kureha Kagaku Kogyo Kabushiki Kaisha		
	30.	EP 0 115 420 A2	08-08-1984	Kureha Kagaku Kogyo Kabushiki Kaisha		
	31.	EP 0 251 745 A1	01-07-1988	Kureha Kagaku Kogyo Kabushiki Kaisha		

UNPUBLISHED PATENT APPLICATIONS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	32.	JACKSON, et al., U.S. Application No. 11/244,385 "Methods and Systems for Determining Physiologic Characteristics for Treatment of the Esophagus," filed on October 4, 2005	
	33.	UTLEY, et al., U.S. Application No. 11/286,257 "Precision Ablating Device," filed on November 23, 2005	
	34.	UTLEY, et al., U.S. Application No. 11/286,444 "Precision Ablating Method," filed on November 23, 2005	
	35.	WALLACE, et al., U.S. Application No. 11/275,244 "Auto-Aligning Ablating Device and Method of Use," filed on December 20, 2005	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.